

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Samir F. Saba
Serial No.: 10/535,529
Filed: 05/09/2006

Art Unit: 3762
Examiner: Evanisko, G.

Entitled: **A Device And Method to Discriminate Between Supraventricular Tachycardias
And Ventricular Arrhythmias**

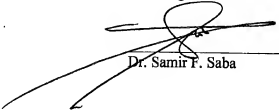
132 Declaration of Dr. Samir F. Saba

Sir / Madam:

I, Dr. Samir F. Saba, under penalty of perjury, state that:

1. I am the named inventor of the above-indicated patent application.
2. I understand that the Examiner believes that the reference Kupper *et al.* [U.S. Patent 6,813,518] discloses a method to identify the myocardial origin of a detected electrical signal.
3. I have reviewed this reference and conclude that the pacemaker/defibrillator disclosed by Kupper *et al.* does not (and cannot) identify the origin of an arrhythmia by determining if the earliest arriving electrical signal was detected by the atrial lead distal tip electrode or the ventricular lead distal tip electrode. Indeed, nothing in Kupper *et al.* indicates the capacity to determine, identify and/or discriminate the cardiac chamber from which the earliest arriving electrical signal is detected following a blanking period.
4. I further declare that all statements made herein are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: 2/15/10



Dr. Samir F. Saba